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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 4019 of 2006

PETITIONER : Smt. Phuleshwari wife of Shri Somar Sai, aged about 47 years, Resident of Village Sorga, Post Pandopara, Tahsil Baikunthpur, District Koriya (C.G.)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh, Through: The Secretary, Department of Women and Child Development, D.K.S. Bhawan, Raipur (C.G.)
2. The Commissioner, Women and Child Development, Raipur (C.G.)
3. The Collector, District Koria, Baikunthpur (C.G.)
4. The Programme/Project Officer, Women and Child Development (Project), Baikunthpur, District Koria (C.G.).
5. The Chief Executive Officer, Janpad Panchayat, Baikunthpur, District Koria, (C.G.).
6. Janpad Panchayat, Baikunthpur, Through: The President, Janpad Panchayat Baikunthpur, District Koria (C.G.).
7. Amraso Bai Wife of Shriram, Resident of Khalpara, resident of Village Sorga, Post Pandopara, Tahsil Baikunthpur, District Koriya (C.G.)

Present: Shri P.P.Sahu, Advocate for the petitioner.
Shri Sushil Dubey, Government Advocate for the respondent No. 1 to 4.
Shri Prakash Tiwari, Advocate for the respondent No. 7

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ORDER
(Passed on 2nd of April, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner has a preferential right of appointment over respondent No. 7 because she is already working as Anganbadi Sah-Sahayika for the last two years. Learned counsel further submits that the candidature of the petitioner was rejected on the ground of her age to be 47 years.

2. Learned counsel appearing for the respondent No. 7 submits that the respondent No. 7 has the first preference over all the other ladies. Secondly, the respondent no. 7 is a member of the Scheduled Tribe community, contrary to the petitioner, who belongs to Other Backward Class.

3. Be that as it may, the Collector, Baikunthpur, District Koria, is directed to look into the facts of the case and submissions made by their counsel and pass the appropriate order, after affording proper opportunity of hearing to both the parties, in accordance with law as per Anganbadi Scheme, within a period of three weeks from the date of receipt of a copy of this order. The parties are at liberty to raise all the grounds whatever is available to them in support of their cases.

4. In view of above, this writ petition stands disposed of.

5. Ad interim order granted earlier vide order dated 08.08.2006 shall remain in operation for a period of three weeks from the date of this order.

Sd/-
Satish K. Agnihotri
Judge

Amit